



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY KNOX

Plaintiff,

vs.

F. CASTANEDA, Correctional Sergeant, E. DELGADO, Correctional Lieutenant, W. ENDERS, Correctional Officer, G. MEJIA, Correctional Officer, WHITMAN, Correctional Captain, HAMILTON, Correctional Officer,

Defendants.

CASE NO. 13cv2985-WQH-RBB

ORDER

HAYES, Judge:

On December 11, 2013, Plaintiff initiated this action by filing a Complaint. (ECF No. 1). No proof of service or responsive pleading has been filed. Federal Rule of Civil Procedure 4 requires that a summons and complaint be served "within 120 days after the complaint is filed." Fed. R. Civ. P. 4(m). If a plaintiff fails to serve the summons and complaint within 120 days, the Court may dismiss the action without prejudice after notice to the plaintiff. *See id.*

On May 8, 2014, the Court issued an Order which stated:

This Order constitutes notice to Plaintiff that the Court will dismiss this action without prejudice on **June 9, 2014**, unless, before that date, Plaintiffs file either: (1) proof that service of the Summons and Complaint was timely effectuated upon Defendants within 120 days after filing of the Complaint, or (2) a declaration under penalty of perjury showing good cause for failure to timely serve Defendants, accompanied by a motion for leave to serve process outside of the 120-day period.

(ECF No. 4 at 1).

1 The docket reflects no case activity since the Court's May 8, 2014 Order.
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IT IS HEREBY ORDERED that, pursuant to Rule 4(m), this action is
DISMISSED without prejudice. The Clerk of Court shall close this case.

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5 DATED: 6/13/14


6 **WILLIAM Q. HAYES**
7 United States District Judge

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